

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SONYA FIELDS,

Plaintiff,

Case No. 10-14406
Hon. Lawrence P. Zatkoff

v.

GERARDO FIERRO, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO CONSOLIDATE

This matter is before the Court on Plaintiff's unopposed Motion to Consolidate [dkt 48]. The Court finds that the facts and legal arguments are adequately presented in the Plaintiff's papers and the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. MICH. L.R. 7.1(f)(2), it is hereby ORDERED that the Motion be decided on the brief submitted. For the following reasons, Plaintiff's Motion is DENIED.

The Court finds that it has previously addressed this issue in its Order Denying Plaintiff's Motion to Amend/Correct [dkt 38]. In that Motion, Plaintiff sought to amend her complaint to add an additional Defendant, Mangat Group. In its order, the Court set forth the circumstances relevant to the instant Motion:

This case involves Plaintiff's claim for damages resulting from a motor vehicle accident in which Plaintiff was injured. The Court held a scheduling conference in this matter on December 15, 2010, at which time the Court inquired into the parties' desire to add parties. Plaintiff indicated that she may want to add a party, and the Court stated that it would allow Plaintiff 30 days to do so. More than 30 days passed without Plaintiff adding a party, and the Court issued its scheduling order on February 11, 2011. The scheduling order provided for a June 30, 2011, discovery deadline.

According to Plaintiff, on June 9, 2011, a deposition revealed that an entity not named as a party may be liable for Plaintiff's injuries. On June 17, 2011, Plaintiff filed the present motion to amend her pleadings in order to add another Defendant [Mangat Group]. The Court, however, finds Plaintiff's request untimely, as the Court would have to conduct another scheduling conference with all parties present and begin discovery anew. The Court gave Plaintiff 30 days in which to investigate her claims and determine whether she wished to add any parties. Plaintiff's failure to promptly address this issue is an insufficient basis upon which to amend her pleadings at this late stage of the proceedings. Accordingly, Plaintiff's motion to amend/correct the notice of removal [dkt 37] is DENIED.

Subsequent to the Court's denial of Plaintiff's Motion to Amend/Correct, Plaintiff filed a separate action against Mangat Group and now seeks to consolidate that action with the instant case.

By attempting to consolidate the two cases, Plaintiff seeks to do indirectly that which the Court denied her from doing directly—adding Mangat Group as a Defendant. For this reason and for the reasons set forth previously in the Court's Order Denying Plaintiff's Motion to Amend/Correct, Plaintiff's Motion to Consolidate [dkt 48] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 14, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 14, 2011.

S/Marie E. Verlinde

Case Manager

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